

COURT REPORTERS BOARD OF CALIFORNIA

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MEETING OF THE COURT REPORTERS BOARD

Thursday, October 27, 2011

9:00 a.m.

Red Lion Hotel
1401 Arden Way
Sacramento, CA 95815

AGENDA

Board Members: Toni O'Neill, Chair; Greg Finch, Vice Chair; Reagan Evans; Lori Gualco; and Elizabeth Lasensky

CALL TO ORDER –Toni O'Neill, Chair

ROLL CALL AND ESTABLISHMENT OF A QUORUM

- I. STRATEGIC PLANNING SESSION 03
The Board will engage in strategic planning in open session facilitated by an outside consultant. It is anticipated that this session will take approximately four hours. The Board will take up other items of business immediately following strategic planning.
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 - G. CRB Budget Report
 1. Furloughs
 2. Hiring Freeze
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XVI.	<u>ADJOURNMENT</u>	

Action may be taken on any item on the agenda. All times are approximate and subject to change. The meeting may be canceled or the ending time shortened without notice. For further information or verification of the meeting, call Paula Bruning at (877) 327-5272, email to paula.bruning@dca.ca.gov, write to Court Reporters Board, 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833, or access the Board's web site at www.courtreportersboard.ca.gov.

The meeting is accessible to the physically disabled. A person who needs disability-related accommodations or modifications in order to participate in the meeting may make a request by contacting Paula Bruning at (877) 327-5272 or emailing paula.bruning@dca.ca.gov or sending a written request to 2535 Capitol Oaks Drive, Suite 230, Sacramento, CA 95833. Providing your request at least five (5) business days before the meeting will help to ensure availability of the requested accommodation. Requests for further information should be directed to Yvonne Fenner at the same address and telephone number. If any member of the public wants to receive a copy of the supporting documents for the items on the agenda, please contact the Board within 10 days of the meeting. Otherwise, the documents, if any, will be available at the meeting.

The public can participate in the discussion of any item on this agenda. Before speaking to the Board, please give your name and the name of the organization you represent, if any. Please respect time limits. Be aware, the Board CANNOT discuss any item not listed on this agenda.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM I – Strategic Planning Session

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Agenda Description: Work with facilitator to update Board Strategic Plan.

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Brief Summary:

The Board will engage in strategic planning in open session facilitated by an outside consultant from the DCA Strategic Planning and Development unit.

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Support Documents:

Attachment 1 – CRB Strategic Plan 2009-2011

Attachment 2 – 2009–2011 Strategic Plan Objectives

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/17/11

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Recommended Board Action: Hold working session.

Court Reporters Board of California



Strategic Plan

2009-2011

Court Reporters Board of California
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Board Members

Gregory Finch, Chairperson

Public Member reappointed by the Governor to June 1, 2012

Toni O'Neill, Vice Chairperson

Licensee Member appointed by the Governor to June 1, 2009

Lori Gualco,

Public Member appointed by the Speaker of the Assembly to June 1, 2011

Elizabeth Lasensky

Public Member appointed by the Senate Rules Committee to June 1, 2010

Currently Vacant: Licensee Member appointed by the Governor

Yvonne Fenner, Executive Officer

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Introduction

The integrity of our legal system rests on accurate records. Court reporters play an essential role in providing these transcripts by ensuring that there is a verbatim record of judicial proceedings.

The Court Reporters Board (CRB) of California was established in 1951 by an act of the Legislature. The Board is comprised of three members of the public and two licensed court reporters. The Governor appoints one member of the public and two licensed court reporters to the Board. The Speaker of the Assembly and the Senate Rules Committee each appoint one public member. All Board members serve staggered, four-year terms.

Funding for all of the Board's activities comes from examination and licensing fees. Because of this, the Board is considered a special fund, or self-funded agency. There are no General Fund tax dollars spent to support the Board or its functions.

The Board's mandate is to protect consumers from incompetent practitioners. It does this by:

- 1) Administering a competency test to ensure new court reporters possess the basic skills needed for the job;
- 2) Authorizing the minimum curriculum required by court reporting schools; and
- 3) Disciplining licensees when necessary.

The Board also administers the Transcript Reimbursement Fund (TRF), established through the collection of licensing fees. This fund provides greater access to the justice system for indigent civil litigants by providing transcript reimbursement costs to reporters.


As of February 10, 2009, the Board has issued 13,420 licenses. Of this number, there are 7,584 current licensees (licensees who have renewed their license - the Board does not track the number of current licensees that are actively *working*). In the profession, licensees are known as either *official reporters* who work in court or *freelancer reporters* who work independently or in the private market. Freelance reporters report depositions, hearings, arbitrations, etc.

The CRB office is located in Sacramento. There is an Executive Officer who oversees a staff of five people, including an enforcement analyst, an examination/licensing analyst, a TRF/school analyst, a committee/Board liaison, and a receptionist. Additional temporary staff is added based on seasonal workload and Board goals.

Background and Strategic Planning Process

The Board currently has four of its five positions filled, allowing it to conduct all necessary business. Without having to redirect resources toward a labor-intensive Sunset Review, the Board was able to accomplish all of the 2006 strategic plan goals. Some of the most notable accomplishments included implementation of an e-mail distribution system, development and publication of a newsletter, and implementation of computer-based testing for the written portion of the license exam.

Always striving for excellence, the CRB has implemented a strategic planning process to identify key issues in the broader environment that affect the CRB; to clarify its mission, vision, and values; and to identify future goals, objectives, and priorities. This strategic plan update was preceded by an external environmental scan that was conducted by CRB members and staff as well as industry representatives. The scan identified the potential issues and challenges which might affect the CRB's ability to carry out its mission over the long term. The Board then held a public meeting with interested stakeholders in an effort to identify the strengths, weaknesses, opportunities, and threats that could impact the CRB, industry, and consumers. The Board then finalized the plan at its March 13, 2009 meeting.



Mission

The mission of the CRB is to protect the health, safety, and welfare of the public by ensuring the integrity of judicial records through oversight of the court reporting profession. The CRB carries out this mission by testing, licensing, and disciplining court reporters, and by recognizing the schools of court reporting that meet state curriculum standards.

Specifically, the CRB's role is to:

- Ensure that those entering the practice meet minimum standards of competency by way of examination;
- Establish standards of practice for those licensed to practice court reporting;
- Impartially investigate and promptly resolve violations of laws, codes, and standards governing court reporting activities in a fair and uniform manner;
- Recognize those court reporting schools that meet and maintain state curriculum standards;
- Serve as a source of information about best practices, standards, and the profession of court reporting;
- Administer the Transcript Reimbursement Fund, which reimburses court reporters for providing transcripts to indigent civil litigants; and
- Evaluate new technologies and, if appropriate, help integrate the technologies into the practice of court reporting.

Vision

To ensure protection of the consumer, the CRB will play a major role in ensuring that court reporters provide the highest quality professional services. Specifically,

- California court reporters will possess the knowledge, skills, and abilities that will enable them to produce accurate and timely judicial records, thereby protecting consumers' due process and appeal rights;
- California court reporters will be competent in all areas of practice and will adhere to high standards of technical competency and professional conduct;
- Candidates will have access to all necessary education and training materials either through high-quality schools or continuing education materials; and
- California court reporters will be respected by members of the court and public for their role as guardians of the record.

Values

The CRB will strive for the highest possible quality throughout all of its programs, making it an effective and efficient court reporting regulatory agency.

To that end, the CRB will be:

- Consumer oriented, treating all persons who interact with the CRB as valued customers;
- Accountable to its membership, the government, and the general public;
- Progressive, utilizing the most advanced means for providing services; and
- Proactive, exercising leadership among consumer protection and professional practice groups.

Goals

The CRB has established five goals which provide the framework for the results it wants to achieve in accomplishing its mission. These goals include:

ORGANIZATIONAL EFFECTIVENESS

Enhance organizational effectiveness and improve the quality of customer service.

There is an ongoing concern that the CRB will be eliminated. In January 2009 the Governor included the elimination of the CRB in the proposed budget as a part of an attempt to streamline government. The CRB is fiscally sound as it is currently organized and must continue to work efficiently and effectively to protect the California consumer

PROFESSIONAL QUALIFICATIONS

Ensure the professional qualifications of those practicing court reporting by establishing examination standards and requirements for continuing competency/education.

There are currently no continuing education requirements for court reporters. Given technological changes and the need for court reporters to keep their skills current, it may be wise to add such a requirement. There is also a continued need for mentors that are willing to work with new court reporters.

Court reporting is increasingly being taught via distance learning (online courses). The CRB will need to address the feasibility of approving such courses for the preparation of California court reporters.

PRACTICE STANDARDS

Establish regulatory standards of practice for California court reporters.

There is no clear definition as to what actions constitute professional misconduct, even though the majority of complaints the CRB receives are regarded as such. Licensees should be apprised of what is actionable before a situation occurs that could subject them to discipline. After the adoption of the Professional Standards of Practice in 2007, the Board began a campaign to educate the licensees. The Board also implemented a toll-free number for consumers and licensees to get immediate answers to questions in an effort to help prevent misconduct and violations.

Rapid changes in information technology (i.e. webstreaming) continue to have a dramatic impact on the profession of court reporting. From web repositories to overseas outsourcing of transcript production, privacy issues continue to be challenged. Court reporters are also under increasing pressure to have the technological skills to remain competitive.

The CRB needs to monitor how changes in practice may necessitate changes in regulation. The CRB must ensure the security and privacy of recordings and documents through regulation as business continues to move toward a paperless world.

ENFORCEMENT

Protect consumers by preventing violations and effectively enforcing laws, codes, and standards when violations occur.

The firms that subcontract to court reporters are not regulated by the CRB, although practitioners are licensed. These firms have the ability to affect the delivery and pricing of a transcript, which could impact the reporter's license under various regulatory codes. Firms should be liable for the work produced if personnel change the final transcript. This could be achieved through requiring all businesses that provide reporter services to conform to the same laws that regulate reporter licensees.

The CRB continues to emphasize prevention of violations. To that end, licensee education is of utmost importance, as is the toll-free help line.

CONSUMER INFORMATION

Increase public and professional awareness of the CRB's mission, activities, and services.

Consumers need to be aware of the CRB so that they can register complaints if necessary. While the challenge of educating one-time litigants is perplexing, the CRB recognizes that more can be done to inform lawyers and other consumers of court reporter services as to the role of the Board in regulating the industry and enforcing standards.

Enrollment in Court Reporter schools is static. Workforce dynamics, including generational differences, may influence the profession's ability to attract sufficient candidates to meet future workforce needs. The CRB may need to consider its role – if any – in recruitment.

Action Plan

The Action Plan is a dynamic framework for the many activities the CRB performs in accomplishing its mission. The goals and objectives are assigned to committees, subcommittees, task forces, staff members, or individuals to ensure completion of the CRB's goals and objectives. These goals are of equal importance to the Board's vision and are not listed in any priority order.

Organizational Effectiveness

Ongoing Responsibilities

- Maintain a high level of customer service.
- Be fiscally prudent.
- Ensure competence of Board staff; evaluate staff performance.
- Maintain a budget.
- Maintain positive Board/staff relations.
- Administer the Transcript Reimbursement Fund.
- Maintain working relationships with professional associations and government agencies.

Objectives

Objectives	Target Date
1. Update the Board on strategic plan progress.	June 2009
2. Keep website FAQs updated.	June 2009
3. Track and categorize types of complaints to ensure the Board is effectively addressing issues.	December 2009
4. Explore opportunities for improved operational efficiencies and design appropriate solutions.	July 2010

Professional Qualifications

Goal: Ensure the professional qualifications of those practicing court reporting by setting requirements for education, examinations, and enforcement.

Ongoing Responsibilities:

- Maintain competency of those practicing the profession.
- Establish curriculum standards.
- Conduct CSR examinations.
- Keep the court reporters exam up to date.
- Establish and conduct school performance reviews.

Objectives	Target Date
1. Conduct information sessions on CRB laws and regulations.	July 2009
2. Convene a taskforce or establish a committee to review school curricula and to identify enhanced student protections beyond existing statutes.	September 2009
3. Explore legislation/regulation to allow online curricula that would prepare students for the CSR exam.	January 2010
4. Design a strong voluntary continuing education program.	March 2010
5. Complete the occupational analysis to keep the exam up to date and in order to maintain competency.	September 2010

Practice Standards

Ongoing Responsibilities

- Report felonies and misdemeanors to the State Attorney General.
- Monitor the effect of technology on the profession.
- Set new standards of practice in accordance with changes in profession and consumer needs.
- Be proactive in recognizing and addressing industry trends and pending issues.

Objectives	Target Date
1. Develop best practices for use of backup audio media (BAM).	April 2009
2. Re-establish a committee or taskforce to deal with the impact of existing technologies and explore what is coming in the future.	July 2009
3. Update CRB disciplinary standards and educate consumers about those standards.	January 2010
4. Investigate and develop standards for preserving the integrity of electronic records, including the use of digital signatures.	November 2010
5. Develop a "best practices" standard to distribute to licensees.	January 2011

Enforcement

Ongoing Responsibilities

- Prosecute unlicensed reporters.
- Enforce standards of practice.
- Investigate complaints.
- File accusations with the Attorney General as appropriate.
- Issue citations and fines.
- Monitor prominent legal cases for potential unethical practices.
- Educate licensees to reduce violations.

Objectives

Target Date

1. Support oversight regulation of court reporting firms as approved by the Board in 2008, specifically within Section 8046 of B&P, expanding the term "shorthand reporting corporation" to all business entities (i.e., corporation, firm, partnership, sole proprietorship).	March 2009
2. Review and update enforcement regulations.	September 2010

Consumer Information

Ongoing Responsibilities

- Be prevention oriented.
- Provide information for licensees regarding practice standards.
- Use the website effectively to communicate with consumers, licensees, and schools.
- Increase consumer awareness of the CRB's role.

Objectives

Target Date

1. Identify current and future workforce trends.	December 2009
2. Develop a CSR "pledge" for new licensees.	February 2010
3. Expand the use of electronic communications to consumers and licensees.	July 2010
4. Develop and implement a consumer information communications plan.	September 2010
5. Develop an online test regarding CRB rules and regulations. The exam could count toward CE requirements of Administrative Office of the Courts, National Court Reporters Association, State Bar of California.	September 2010

2009-2011 Strategic Plan Objectives
June 6, 2011

Attachment 2
Agenda Item I

Objectives	Target Date	Status
1. Support oversight regulation of court reporting firms as approved by the Board in 2008, specifically within Section 8046 of B&P, expanding the term "shorthand reporting corporation" to all business entities (i.e., corporation, firm, partnership, sole proprietorship).	March 2009	AB1461 did not survive
2. Develop best practices for use of backup audio media.	April 2009	Completed
3. Update the Board on strategic plan progress.	June 2009	Ongoing
4. Keep website FAQs updated.	June 2009	Ongoing
5. Conduct information sessions on CRB laws and regulations.	July 2009	Industry meetings
6. Re-establish a committee or taskforce to deal with the impact of existing technologies and explore what is coming in the future.	July 2009	Budget-delayed
7. Convene a taskforce or establish a committee to review school curricula and to identify enhanced student protections beyond existing statutes.	Sept 2009	Report to CRB 2/19/10
8. Track and categorize types of complaints to ensure the Board is effectively addressing issues.	Dec 2009	Work in progress
9. Identify current and future workforce trends.	Dec 2009	April 2011
10. Explore legislation/regulation to allow online curricula that would prepare students for the CSR exam.	Jan 2010	Report to CRB 2/19/10
11. Update CRB disciplinary standards and educate consumers about those standards.	Jan 2010	Work in progress
12. Develop a CSR "pledge" for new licensees.	Feb 2010	Budget-delayed
13. Design a strong voluntary continuing education program.	March 2010	Budget-delayed
14. Explore opportunities for improved operational efficiencies and design appropriate solutions.	July 2010	Ongoing
15. Expand the use of electronic communications to consumers and licensees.	July 2010	Ongoing
16. Develop and implement a consumer information communications plan.	Sept 2010	Budget-delayed
17. Develop an online test regarding CRB rules and regulations. The exam could count toward CE requirements of Administrative Office of the Courts, National Court Reporters Association, State Bar of CA.	Sept 2010	Budget-delayed
18. Complete the occupational analysis to keep the exam up to date and in order to maintain competency.	Sept 2010	Validation report April 2010
19. Review and update enforcement regulations.	Sept 2010	Budget-delayed
20. Investigate and develop standards for preserving the integrity of electronic records, including the use of digital signatures.	Nov 2010	Budget-delayed
21. Develop a "best practices" standard to distribute to licensees.	Jan 2011	Budget-delayed

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM II – Minutes of October 15, 2010 Meeting

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Agenda Description: Review and approval of minutes.

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Brief Summary:

Minutes from June 16, 2011 meeting in Los Angeles

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Support Documents:

Attachment – Draft minutes.

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/14/11

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Recommended Board Action: Approve minutes.

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**Attachment
Agenda Item II****COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF OPEN SESSION
JUNE 16, 2011****DRAFT**
10/3/2011**CALL TO ORDER**

Ms. Toni O'Neill, Chair, called the meeting to order at 12:40 p.m. at the Sheraton Gateway LAX, 6101 West Century Boulevard, Catalina Room, Los Angeles, California.

ROLL CALL**Board Members Present:**

Toni O'Neill, Licensee Member, Chair
Gregory Finch, Public Member, Vice Chair
Reagan Evans, Licensee Member
Lori Gualco, Public Member
Elizabeth Lasensky, Public Member

Staff Members Present:

Yvonne K. Fenner, Executive Officer
Dianne R. Dobbs, Staff Counsel
Paula Bruning, Executive Analyst

A quorum was established, and the meeting continued.

Ms. O'Neill reminded the audience that the meeting was being webcast; therefore, she expressed the importance for those wishing to make public comment to approach the designated table and speak clearly so as to be heard by all.

I. MINUTES OF THE OCTOBER 15, 2010 MEETING

Ms. Lasensky requested the addition of the word "be" to the second line of the third paragraph from the bottom of page 4 of the minutes. Mr. Finch moved to approve the minutes as corrected. Second by Ms. Gualco. **MOTION CARRIED.**

**II. FULL RECOGNITION OF BRYAN COLLEGE COURT REPORTING PROGRAM –
SACRAMENTO CAMPUS**

Ms. Bruning provided a brief history of the provisional recognition of Bryan College, Sacramento. She indicated that the program had successfully trained a student to the point of licensure, satisfying the requirement as prescribed in B&P Code Section 8027(d) to gain full recognition, which the staff recommended the Board grant. She then introduced Matthew Brandstetter, Director of Education at the Sacramento campus.

Mr. Brandstetter stated that he joined the program nearly four months earlier, and added that he has 25 years of experience in adult and K-12 education. He expressed the delight of

the administration to be before the Board requesting full recognition of their court reporting program. Ms. Gualco congratulated Bryan College for getting the program off the ground.

Ms. Evans moved that the Board grant full recognition to Bryan College, Sacramento campus. Second by Ms. Lasensky. **MOTION CARRIED.**

III. BOARD AND STAFF APPEARANCES

Ms. Evans, Ms. O'Neill, Ms. Gualco, and Ms. Fenner indicated that they attended the California Court Reporters Association (CCRA) Convention in Sacramento following the Board's October 2010 meeting. Ms. Evans further indicated that she also worked with Board staff on her Senate confirmation.

Ms. Lasensky indicated she had numerous discussions with staff. She further indicated that she had dealings with the Senate Rules Committee for her reappointment to the Board. She also responded to questions from parties interested in the upcoming vacancy on the Board.

Mr. Finch and Ms. Lasensky indicated they completed the ethics training. Mr. Finch added that he also completed the sexual harassment prevention training.

Ms. O'Neill indicated that she attended the Deposition Reporters Association (DRA) Convention in February. She participated in monthly Board Chair telephone conferences with the Department of Consumer Affairs (DCA). She also indicated that she had many discussions with staff.

Ms. Fenner stated that she attended the Humphreys Advisory Committee meeting, multiple executive officer meetings, exam development workshops, the DRA Convention, the CCRA Board meeting, and the RAPS meeting. She spoke at the Sacramento Official Court Reporters Association meeting and the Northern California Court Reporters Association seminar.

IV. RESOLUTION IN RECOGNITION OF SERVICE OF LORI GUALCO

Ms. O'Neill indicated that Ms. Gualco had decided not to apply for a second term on the Board. Ms. O'Neill read a resolution to Ms. Gualco in recognition of her contributions to the Board.

Ms. O'Neill stated her appreciation of Ms. Gualco's time, commitment, and input during Board discussions. Ms. Lasensky thanked Ms. Gualco for her participation and point of view. Ms. Evans expressed her appreciation of the service Ms. Gualco provided. Mr. Finch stated that he would miss Ms. Gualco's presence and participation in making decisions for the Board.

Ms. Evans moved to adopt the resolution of recognition. Second by Mr. Finch. **MOTION CARRIED.**

Ms. Fenner expressed her appreciation for Ms. Gualco's passion during her participation on the Board. She indicated that Ms. Gualco has ensured all topics facing the Board were fully debated.

Ms. Gualco stated that she gave deep thought to her decision not to continue on the Board. She indicated that the Board had grown on her, but her decision was based on the desire to volunteer on another activity. She expressed that she highly respects the court reporting profession as she respects the legal profession in which she practices. Ms. Gualco thanked everyone for their kind words and the resolution she received.

V. REPORT OF THE EXECUTIVE OFFICER

A. DCA Director's Report

Ms. Fenner introduced Cindy Kanemoto, former chief of DCA SOLID Training Solutions, who appeared on behalf of Director Stiger. Ms. Fenner indicated that Ms. Kanemoto led the Board's previous strategic planning session. She is heading up DCA's new Licensing for Job Creation Unit, which is responsible for providing management oversight and making recommendations to expedite and improve the efficiency of DCA's professional and business licensing and examination application process.

Ms. Kanemoto stated that the Governor appointed Anna Caballero as Secretary and Dr. Willie Armstrong as the Undersecretary to the State and Consumer Services Agency (SCSA). Ms. Caballero recently attended an executive officers meeting and spoke of her role to advocate on behalf of the boards' mission-critical items in the current administration.

Ms. Kanemoto discussed the May 16, 2011, announcement by the Governor regarding the budget's May revise. She indicated DCA did not have any new information that was brought forward with the exception of the funding for the SCSA. General Funds were removed for SCSA for which the Department's underagencies will provide that funding. This will result in minimal impact to the boards and bureaus.

She indicated the Governor's budget passed through the Legislature the day before. At the time of the meeting, Governor Brown had not yet signed the budget. She added that the Department of Finance (DOF) released a budget letter identifying the process for submitting freeze exemption requests as a result of the Executive Order restricting hiring. DCA is working with boards to provide justifications. There were 76 exemptions approved of the 83 requests submitted. An Executive Order restricting travel was issued May 26, 2011, which indicated that there will be no discretionary travel authorized. Travel must meet the definition for mission critical in the Executive Order. DCA is working with boards and awaiting a letter from DOF explaining in detail the conditions on which travel is approved. A signed budget may impact many of the Executive Orders currently in place.

Ms. Kanemoto indicated the BreEZe project achieved another major milestone with receipt of the final proposals in March. The proposals were evaluated for technical and administrative bearing, as well as how well they met DCA's business needs. The costs were much higher than anticipated, which resulted in DCA entering back into negotiations with the selected vendor. Negotiations resulted in a six-month time savings and a three-phase transition instead of five. The contract award is anticipated in September.

Ms. Gualco inquired if there was a cost estimate associated with the vendor at the time of selection and if the vendor quoted one price and then raised it after selection.

Ms. Kanemoto explained that there were two competing vendors. The vendors worked directly with the boards and bureaus to identify the working requirements for technology, a process different than that usually used by the State for procuring technical products. As a result, the vendors went back and built their bid. At that point one vendor withdrew; therefore, there was just one bid open.

Ms. Gualco inquired if the estimate was originally \$27 million. Ms. Kanemoto confirmed it was the amount DCA presented to the Legislature. The actual bid from the vendor is \$44 million. Ms. Gualco asked why the Department's estimate was so far off, for which Ms. Kanemoto did not have an answer. She indicated that the Department went back into negotiations with the vendor and came up with a number both agreed to.

Ms. Gualco asked Ms. Kanemoto to go back to the Department with her question.

Ms. Kanemoto agreed that she would as it is a resounding question.

Ms. Kanemoto discussed the new executive officer evaluation process. She shared that she led the committee made up of executive officers and board members in developing the new guide. The previous process was lacking the necessary up-front information needed in order to conduct an effective evaluation. As part of the new process, the board chair contacts the DCA Deputy Director of Board and Bureau Relations, who works in unison with the personnel officer. The personnel officer compiles all the information available in their office regarding the executive officer, including any previous evaluations, duty statements, grievances or turnover information. This information goes to the board chair and members, as well as the DCA Executive Office. There is also a self-evaluation form to be completed by the executive officer.

She added that the form was changed to incorporate the Human Resources Modernization Project for competency for executives in state service and is broken down in five different clusters. The form was pilot tested with a couple of the boards which were very pleased with the ease in completing it and its fairness factor. The committee felt strongly that if anyone were to rate an executive officer below acceptable or not acceptable that they would have to provide a detailed description of what happened to warrant that type of rating. The committee wanted the best feedback possible for the executive officer. DCA has been really pleased with the process and is welcoming any comments or suggestions.

Mr. Finch inquired if all the information on the executive officers is being maintained in a consistent way. Ms. Kanemoto confirmed that it is, but that it had not been maintained previously. She indicated that each person has a personnel file at the Office of Human Resources which contains the particular information that can be compiled for the report.

Mr. Finch commented that it seemed unfair that the process for the evaluation hasn't been consistent, and the executive officers may suffer as a result. Ms. Kanemoto indicated the previous evaluations would be in the file for reference, and the information from the previous evaluation form was incorporated into the new evaluation form.

Ms. O'Neill inquired if the personnel file contains documentation on the executive officer including everything from commendations to reprimands. Ms. Kanemoto responded that they would be included if they were submitted to the file. Ms. O'Neill asked if the

evaluation for the current executive officer would be based on the survey since there haven't been any previous evaluations or a long history of information from the personnel file. Ms. Kanemoto confirmed this would be the case, unless there were other performance evaluations conducted prior to the current appointment.

Ms. O'Neill asked if there is a need to document specific incidence of exceeding expectations as there is for below acceptable marks. Ms. Kanemoto indicated that it is not mandatory, but it can be done. There is more of a point in providing feedback to the executive officer if the marks are below or not acceptable.

Ms. Kanemoto indicated that although the Department is providing this tool, the Board has the ability to use a different type of evaluation if they so wish. Mr. Finch shared that the form seemed elaborate for a small board. Ms. O'Neill added that a smaller board may get caught up with what is planned for larger boards and that one size doesn't always fit all. Ms. Kanemoto commented that this can actually be in favor for smaller boards to lend more credibility about the different functional responsibilities that the executive officers have serving boards. She indicated that many Executive Officers are at their highest rank of their salary and due to the size of their boards they are only allowed to earn a certain salary range. The Department believes the competencies exhibited on the form are desirable in executive officers regardless of the size of the board or staff, such as holding meetings and maintaining licensing and enforcement programs. DCA has contracted with a consultant to perform a study of the Executive Officer salaries, which hasn't happened in the last 10 years. The Department is expecting to receive a report from the consultant in August. Until then, there will not be any salary level raises.

Mr. Finch and Ms. Gualco agreed that this would lend a favorable consistency when reviewing an individual who may want to be considered for a position at another board. Ms. Kanemoto stated that the State is going to a competency system for testing and for evaluation during probation. These competencies are incorporated throughout a lot of the training as components. In civil service, the exam for the staff manager level is based completely on self-evaluation of how well you know and how many years of experience you have in performing specific competencies. She also pointed out the committee reduced the evaluation to 13 pages for the Department compared to the 37 pages for the state model.

Ms. Kanemoto reported that the third set of performance measures for CPEI have been posted to DCA's Web site. These measures show how long it takes from the receipt of a complaint until disciplinary action is taken. She encouraged the Board members to review these measurements as it is information available to the public and is very helpful to the Board in reviewing their enforcement program. Ms. Kanemoto thanked Ms. Fenner for having the performance measures published in the Board agenda packet.

Ms. Kanemoto indicated that the Department continues to encourage this Board to move forward with regulations for some of the recommendations of CPEI as mentioned at the October Board meeting. She expressed thanks to the Board for posting its agenda material online and for webcasting this meeting, which increases transparency.

Ms. Gualco indicated that since she would not get to evaluate the Executive Officer, she wished to express that working with Ms. Fenner has been incredible, and she would

receive an A+. She added that Ms. Fenner is so organized and so hard working and wonderful to deal with and has wonderful staff who are doing fabulous work.

Ms. Kanemoto expressed appreciation to Ms. Gualco on behalf of the Department for her years of service on the Board. Ms. Fenner thanked Ms. Kanemoto for bringing the information to the Board on behalf of the Executive Office.

B. New Secretary for State and Consumer Services Agency

Ms. Fenner elaborated on Ms. Kanemoto's announcement regarding the new Agency Secretary, Anna Caballero. She added that Ms. Caballero is an attorney who formerly worked in Salinas as the mayor and with migrant farm workers, and she later went into the Assembly. Ms. Fenner enjoyed listening to Ms. Caballero speak at a recent meeting and was excited to hear her request information on the successes of the DCA boards and bureaus. Ms. Fenner indicated that she is encouraged to have an advocate at the top level and looks forward to the challenge of focusing on the positive.

C. Exam

Ms. Fenner reported that the examination being offered concurrent with the meeting includes 139 candidates, including 37 first-time candidates. She indicated that this is approximately 20 percent higher than the typical attendance at the examinations; however, this corresponds with the reports from the schools that enrollment has increased.

D. Exam Workshops

Ms. Fenner indicated that the examination development workshops have been continuing and the cycle has been completed for the current fiscal year. There is a contract in place with the Office of Professional Examination Services for the following fiscal year.

A challenging change taking effect is the new requirement to contract with each court reporter that will attend the development workshops. These expert consultants work for two days for which the Board pays them a per diem and reimburses travel expenses. The difficulty for our Board is that court reporters don't really know until the week of the workshop whether or not they can attend due to their ever-changing schedules. Processing contracts in such a short turn-around timeframe is very difficult. DCA is working with the Board to simplify the process through its contract unit, which has been very responsive. It is hoped that the process will be streamlined and not an ongoing burden that required so much staff time.

E. School Compliance Reviews

Ms. Fenner stated that staff is working with the educational consultant on plans for the next set of compliance reviews. Additional information will be available in the Fall.

F. CRB Today Newsletter, Spring 2011

Ms. Fenner referred to the latest edition of the CRB Today newsletter in the Board agenda packet. She stated that she is impressed with all the talents of staff. Ms. Gualco commented that the answers were well prepared in the FAQs article and inquired who writes them. Ms. Fenner indicated that she and Connie Conkle, Enforcement Analyst, draft the responses and then rely on the expertise of Staff Attorney Dianne Dobbs to refine them. Ms. O'Neill shared that the FAQs are often a subject of discussion on the court reporter forums, which shows that the licensees are reading the material. She added that it is a great protection to the consumers because it is educating the reporters. Mr. Finch credited Ms. Fenner for the functionality of the newsletter. Ms. Gualco believed the Message from the Chair was a great cover article.

Ms. Fenner responded that she appreciates the feedback and would take the comments back to staff. She welcomed ideas and articles from the Board members for future editions.

G. Strategic Plan

Ms. Fenner directed the attention of the Board to page 20 of the Board agenda packet to view the status of the Strategic Plan Objectives. She reported that nothing had changed since the last meeting due to the restrictions on expenditures to only the Legislative mission mandated functions. These mandated functions include licensing, enforcement, school oversight and administration of the Transcript Reimbursement Fund (TRF). The 2009 Strategic Plan includes non-mission critical objectives such as reinstating the Technology Committee and conducting consumer outreach.

Ms. Fenner noted that the Strategic Plan is ending this year. She indicated that objectives can be rolled over to the next Strategic Plan if the Board viewed them as critical, wherein staff would take on the challenge of finding a way to accomplish those items. She indicated that the Strategic Plan is a key road map for staff and is especially helpful since the Board meets infrequently. She requested that the Board be prepared to commit to a strategic planning session during the discussion of Agenda Item XV, Future Meeting Dates.

H. CRB Budget Report

1. Furloughs

Ms. Fenner indicated that staff is still furloughed one day a month, which is a mandatory unpaid leave day referred to as Personal Leave. She stated her appreciation for staff continuing to get everything done with less time to do it.

Mr. Finch inquired if the mandatory unpaid day has been implemented for all state offices. Ms. Bruning confirmed that it has and clarified that it is a floating day. There has not been a reduction in the workload or the number of days the office is open; therefore, staff must work together to ensure coverage needs are met.

2. Hiring Freeze

Ms. Fenner reported that the hiring freeze issued by the Governor is still in effect. Fortunately, the Court Reporters Board (CRB) is fully staffed.

3. Licensing BCP – 2012/13

Ms. Fenner stated that the Board has been able to fund examination development workshops from prior BCPs; however, the extra appropriations from last year and the coming year had dropped off. Therefore, the Board is back to the baseline budget, which doesn't leave room to fully conduct examination development workshops. Ms. Fenner indicated that she has requested that DOF increase the overall appropriations to fund the workshops. Although it is difficult to obtain additional appropriations, you can't get what you don't ask for, and the fund will support the additional needs. Since the appropriation has been cut over the years, the Board is already restricted to mission-critical tasks. Ms. Fenner said that she doesn't want to cut the number of examinations offered each year; however, if additional appropriations are not obtained, that will be an item considered for reduction.

Ms. Fenner referred to the Budget Report on page 21 of the Board agenda packet, which outlines expenditure projections through fiscal month 10. The expenditure projection is close to breaking even as usual; however, there was an extraordinary amount expended in the Attorney General line item largely due to the issue with U.S. Legal that will be discussed in closed session. In order to compensate some of that overage, staff postponed one of the examination development workshops until after the start of the new fiscal year in July.

Ms. Fenner then turned the attention of the Board to the Analysis of Fund Condition report on page 22. She focused on the bottom line which reflects a healthy number of months in reserve.

Referring to the Analysis of Fund Condition report for the TRF on page 23 that the Board requested to see semi-annually, Ms. Fenner indicated that the fund balance is more important than the number of months in reserve. She stated that Ms. Bruning would be providing more details on the TRF under Agenda Item V.J.

I. Sunset Review

Ms. Fenner stated that the DCA Office of Public Affairs (OPA) has taken on the challenge of creating a Sunset Review video production for the Board. This is in harmony with the recommendation given by SCSA to create opportunity and to celebrate successes, as well as the Board's suggestion to highlight the fact that court reporters are on the cutting edge of technology by having a dynamic visual presentation. She indicated that she and Ms. Bruning met with OPA staff and a writer and a script is already in the making. Ms. Fenner thanked the Board for their input in guiding staff toward this project. She indicated that once the video footage is obtained, it can be edited to be used on the Web site for outreach to consumers, schools, law offices, and more. These services are part of the pro rata and provide the opportunity to meet the challenge given by Director Stiger to do more with less. This one project will assist the

Board with the outreach at a time when travel and funding has been restricted by finding a different way to get the Board's message out.

Ms. Gualco commented that having a consistent tool to get the Board's message out to each arena is beneficial and important. Ms. Lasensky expressed her excitement about the project and the prospect of moving forward in the industry.

Ms. O'Neill inquired if the video would be completed in the same timeline as the Sunset Report. Ms. Fenner responded that it would be, and the questions from the Sunset Review Committee have been received. The full report is due to the Legislature by November 1, 2011. The Department has requested the report 30 days prior for review and feedback to the Board. The Board may receive additional questions from the Committee after they have reviewed the report, followed by a hearing before the Committee. Ms. Fenner mentioned that both Ms. O'Neill and Mr. Finch have offered to be available to testify at the hearing.

J. Transcript Reimbursement Fund

Ms. Bruning reported that to date in the 2010/11 fiscal year, the TRF has paid out \$218,513 on the main fund, which is available to pro bono attorneys representing indigent litigants in civil cases.

Ms. Bruning shared that the two-year Pro Per Pilot Project is well underway; however, the project is administered a little differently in that most cases are "provisionally approved" based on estimates for which the funds have to be set aside until invoices are received. Since the project began in January, the Board has already allocated \$26,715 of the \$30,000 allowed for the calendar year and has paid \$8,428 in actual invoices. The project has assisted litigants in 52 different cases, 13 of which totaled less than \$100, and only 10 for between \$1,000 and the maximum of \$1,500. Although some of the transcript amounts may seem minimal, the litigants in these cases have no other way to obtain them without the assistance of the TRF.

Ms. Bruning indicated that after the \$30,000 is allocated, applicants will be notified that the Board cannot approve their application; however, the applications will be held until previously allocated funding becomes available or until an additional \$30,000 is available on January 1, 2012, whichever occurs first. She indicated she plans to contact applicants who received early provisional letters to inquire if they still need access to the funds, and if they do not, those previously allocated funds may be applied to other applicants. There will also be a notice posted to the Web site to alert litigants that the project fund has been exhausted for the year.

Ms. O'Neill indicated that if the court reporters are notified in the cases that have been approved then they should be preparing the transcripts. Ms. Bruning confirmed that she does notify the reporters; however, the reporters are often waiting for direction from the court. In cases on appeal, the reporters await notice on whether the appeal is going to be accepted or dismissed. In some cases the reporter may have already prepared the transcript but is stalling on sending in their invoice.

Mr. Finch asked if the total number of applications being received is increasing. Ms. Bruning responded that in the first four months, the applications were trickling in;

however, the number of applications has significantly increased over the last two months. Although a lot of pro per applications are coming in, there will be a point where the funding will be gone and no more will be processed. Application for the pro bono portion of the TRF will continue to be processed.

Mr. Finch emphasized that staff is already doing a lot of work and seem to just absorb it with limited resources. The workload is increasing and at some point you have to say stop to be able to still function well. He suggested that starting the dialogue with the Legislature now regarding the concerns as we move forward since it appears the demands for this beneficial project will increase.

Ms. Fenner agreed that there is a definite increase as anticipated. She indicated that if it becomes a permanent part of the program there may be some need to discuss the possibilities of adding an additional half-time employee and decide how we will fund the program after the excess from years past is spent. Ms. O'Neill added that the court clerks are spreading the word and the pro per litigants are thrilled about the project. The court of appeals seems willing to grant extensions to await an approval from the Board. The \$30,000 limit is the only thing that keeps it manageable, but if the Legislature decides to raise the ceiling there will be a definite need to consider additional resources.

The members agreed that the TRF is a beneficial program that opens access to the courts.

VI. ENFORCEMENT REPORT

Ms. Fenner referred to the statistics provided on pages 25 and 26 of the Board agenda packet, which are reported to the Department. A written summary of the spreadsheets was provided on page 27.

Ms. Lasensky expressed that the statistics are useful and important in representing the amount of work staff is putting in. They also assure consumers that the Board is providing beneficial oversight. Ms. Fenner indicated that the Department goes a step further by publishing the performance measures in a consumer friendly version on the DCA Web site as reflected on pages 30 and 31 of the Board agenda packet.

In referencing disciplinary matters given to the Board for decision, Mr. Finch conveyed that those brought to him for consideration are processed in a fair manner, having been analyzed and thoroughly thought out. He complimented Ms. Fenner for the responsibility she has taken in overseeing the licensees. Ms. Gualco added that the Attorney General's Office, too, should be credited for the work they put into writing the reports and recommendations. Ms. Lasensky indicated that the cases are prepared in an understandable and consistent manner giving her a true sense of what has happened. She appreciates that she is able to readily come to conclusions to make decisions based on the reports.

Ms. Fenner indicated that Ms. Conkle would welcome any requests to see additional information or the statistics presented differently in any way that would be useful to the Board. Ms. Gualco commented that the information presented was very thorough.

The Board took a short recess at 2:04 p.m. and returned at 2:20 p.m.

VII. REPORT ON LEGISLATION

Ms. Fenner indicated the Legislature is entering a new two-year cycle. Many of the items on the report will not be seen again because they will die in committee. She highlighted the bills that may affect court reporting or the Board as a regulatory body.

She reported that SB 541, Contractors' State License Regulatory boards: expert (Price), is so important to staff workload that she contacted Ms. O'Neill for approval of sending a letter of support to the Senate Business, Professions & Economic Development Committee. The bill would allow the Board to contract with the subject matter experts for the examination development workshops on an abbreviated form. This will assist staff in reducing time to process the contracts.

Mr. Finch moved to ratify the support thus given for SB 541. Second by Ms. Lasensky.
MOTION CARRIED.

Ms. Fenner reported that SB 671, Shorthand reporters: continuing education (Price), would require continuing education for court reporters. She stated that the language was previously sponsored by the Board, but was not signed by the Governor. DRA and CCRA have jointly sponsored this legislation, which has already gone through Senate and is now in the Assembly. This bill would greatly impact the Board by requiring regulatory hearings and development and monitoring of a program. She requested the Board take a position on the bill.

Ms. Lasensky inquired what the impact to the Board would be in terms of staff time. Ms. Fenner responded that once passed, a task force may be needed with involvement from the associations to develop regulations; however, once in place she believed there would be limited review work required. The Board may use an audit system wherein all licensees certify they had completed the required continuing education, but only a small percentage is actually verified for completeness.

Mr. Finch moved to support SB 671. Second by Ms. Gualco. **MOTION CARRIED.**

Sue Campana, DRA, expressed appreciation to the Board for considering this bill, as court reporting is one of only a few professions without mandatory continuing education requirements and believes it is important to get the bill approved.

Ms. Fenner indicated that both proposals to replace court reporters in court with electronic recording are voted out and are dead.

Ms. Evans inquired about the report on AB 1096. Ms. Fenner clarified that this pertains to digital recording and it is not actively moving forward. There are certain notice requirements if there are any changes or hearings regarding the bill.

VIII. UPDATE ON SCHOOL CURRICULUM REGULATIONS

Ms. Fenner indicated that adoption of the October 15, 2010 Board meeting minutes will allow staff to move forward with the submission of the regulatory package to DCA. After approval from DCA, the package will go to the Office of Administrative Law (OAL) for

review. Staff can make any non-substantive changes requested by OAL; however, substantive changes would require a 15-day public comment period

IX. UPDATE ON EXAM FEE REGULATIONS

Ms. Fenner reported that she has encountered many budget related obstacles in trying to move forward with the regulatory package due to the appearance of a fee increase. The purpose of the change is to solve an administrative tracking problem in cashiering. Staff will submit the package in hopes it will go through and report back to the Board any updates as they become available.

X. CALIFORNIA CODE OF REGULATIONS, TITLE 16, SECTION 2475(a)(8) - \$100 GIFT GIVING LIMIT

Ms. Fenner indicated that the topic of revisiting the gift-giving limit came before the Board as a result of a public comment at the October 15, 2010 Board meeting. She summarized the regulation in question, stating that the gift-giving limit from court reporters to attorneys is \$100. Ms. Fenner requested direction from the Board as to whether it would like to raise or lower the limit or leave it as is. She reported that the Nevada Certified Court Reporters Board does not allow gift giving at all.

Ms. Evans indicated that she likes to thank her clients, and the \$100 limit can make it difficult when working with a large law firm.

Ms. Gualco pointed out that the language is somewhat ambiguous as to whether this limit applies to individual attorneys or whole entities. Ms. Fenner suggested the Board considering cleaning up the language if they decided to change the limit.

Ms. Gualco expressed that she would never use a court reporter because of a gift they gave her. She hires court reporters because they provide good work product and service and are neutral and honest. She would like to see gift giving shrink and the return of personal thank you notes.

Ms. O'Neill indicated officials are not allowed to accept anything due to the appearance of impropriety. Because there are people who are unethical, Ms. O'Neill suggested that the limit stay the same.

Ms. Lasensky asked if some court reporters or agencies are disadvantaged if they don't give a gift. Ms. O'Neill stated that she has seen agencies lose work because of the incentive programs offered by others.

Ms. Gualco suggested the Board consider following the Nevada route and eliminate gift giving to level the playing field. Mr. Finch agreed, but did not want to make a hasty decision and suggested a deeper investigation be made. Both members expressed a need to separate court reporters as a respected profession without unethical practices.

Debby Steinman, CCRA, stated that if court officials can't accept gifts, there should be consistency throughout the profession extending into depositions. She agreed with the suggestion of eliminating gift giving entirely.

Ms. Fenner offered to bring the language from the Nevada Board to the next meeting for the Board to review. If the Board directs staff to change the regulations, the industry will have the opportunity to weigh in on the subject through the public comment period.

Vykki Morgan, Cerritos College, mentioned that the National Court Reporters Association (NCRA) also has a gift giving incentive limitation which makes a good model for language. Ms. O'Neill shared that NCRA is considering eliminating the \$100 gift-giving allowance as well.

XI. STENOCENTRAL PROPOSAL

Ms. Fenner introduced Melissa Hirsch to discuss her StenoCentral Proposal. Ms. Hirsch, a software developer, provided a brief background on her connection to the court reporting industry and her educational history. She indicated that while spending time in her mother's deposition firm, she thought of the idea for StenoCentral – an interactive Web site for facilitating the staffing for court reporting jobs across the United States between agencies and reporters using predetermined criteria within specific networks.

Ms. Hirsch proposes that StenoCentral be authorized to display information from the CRB License Verification Web page in its online application at StenoCentral.com. She indicated that she would "scrape" the information from the CRB Web site at no charge to the Board. The proposal also includes the request to use the CRB logo on four Web pages within StenoCentral.com.

Mr. Finch and Ms. Gualco indicated that if the proposal is more than linking her Web site to CRB's Web site for a license verification search, they did not feel comfortable with the proposal. Ms. Gualco indicated that Ms. Hirsch would be using CRB's Web site as a marketing tool. Ms. Hirsch responded that she is attempting to reduce one step of the process for the users of StenoCentral. Mr. Finch stated that the Board likely did not have the authority to approve the proposal. If the Board approved the proposal, Ms. Hirsch would be functioning as an arm of the Board certifying the information she relays, which also could give her a competitive edge over her competitors.

Ms. Lasensky stated her apprehension over the danger of losing control of the data and the logo by allowing Ms. Hirsch to perform what she proposes. Ms. Evans and Ms. O'Neill agreed that they did not feel comfortable moving forward with this request.

Ms. Hirsch thanked the Board for their time.

XII. INFORMATION ON NEW EVALUATION PROCESS FOR EXECUTIVE OFFICER

Ms. Fenner followed up on the information shared by Ms. Kanemoto. She indicated that staff at CRB have never been evaluated on their performance. She sees this as a disservice to the employees. Employee evaluations can not only speak to future employers about an individual's performance, but it may also assist the individual in making improvements.

Ms. Fenner indicated that review of her performance is crucial in her knowing where the Board sees her strengths and weaknesses. The Board members agreed that providing feedback to Ms. Fenner via the new evaluation process is essential to her having objectives.

Ms. Gualco moved to authorize Ms. O'Neill, Chair, to initiate the process of evaluating the Executive Officer, Ms. Fenner. Second by Ms. Lasensky. **MOTION CARRIED.**

XIII. COURT REPORTERS BOARD LOGO

Ms. Bruning shared that staff developed the idea of adopting a logo similar to that of other DCA boards for use on items such as letterhead and envelopes to create a "brand" for the Board. As part of the DCA pro rata services, the Office of Publications, Design, and Editing team created several designs. The Board has been presented with four designs for consideration.

Ms. Lasensky began the chore of narrowing down the choices by indicating she doesn't care for Logos 1 and 2. Ms. Gualco indicated that Logo 3 is too modern, and that she likes Logo 4. Mr. Finch agreed. Ms. Lasensky indicated that Logo 4 looks like a mask. She asked if the Board can request more options. Ms. Bruning responded that staff could take the Board's suggestions back to the design team; however, specific feedback would be needed such as colors or fonts. She also encouraged the members to review the black and white images on each page as those would likely be used more on pre-printed items.

Ms. Gualco discouraged the idea of having more logos created due to the cost to the State. She favored Logo 4 for its aesthetic values as well as its representation of the profession. Ms. Evans and Ms. O'Neill shared that they view Logo 4 as an antiquated view of the steno machine. Ms. O'Neill preferred Logo 1. Mr. Finch did not see Logo 4 as an issue of portraying the Board as old-fashioned, to which a member of the public agreed.

The Board agreed they would like to have a brand. The members directed staff to return to the designer with information from the discussion to request some variations of Logo 4. The members did not wish to see the logo again for approval before its implementation by staff.

XIV. PUBLIC COMMENT

Ms. Campana thanked the Board on behalf of DRA for all the work they do. Ms. Steinman joined in the expression of appreciation.

XV. FUTURE MEETING DATES

Ms. Fenner requested the Board consider scheduling a strategic planning session, possibly in combination with the October Board meeting. She indicated that the next dictation examination would be held on October 28, 2011, in Sacramento. She offered several options for timing of the two meetings in conjunction with the examination to facilitate attendance by school staff and industry professionals who would be in town for the test. She also shared that meeting the day before or after the examination would be helpful in having all proctors available for the exam.

Ms. Fenner added that the agenda for a meeting in October would likely be light considering the short turnaround time between meetings. The Board agreed it would assemble for a brief Board meeting on the morning of October 27, 2011, followed by an afternoon strategic planning session.

XVI. CLOSED SESSION

The Board convened in to closed session pursuant to Government Code sections 11126(a) and 11126(e)(2)(A).

Upon returning to open session, Ms. O'Neill indicated that there was nothing to report from closed session.

XVII. ADJOURNMENT

Ms. O'Neill moved to adjourn the meeting at 4:07 p.m. Second by Ms. Evans. **MOTION CARRIED.**

TONI O'NEILL, Board Chair

DATE

YVONNE K. FENNER, Executive Officer

DATE

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM III – Full Recognition of Taft College Court Reporting Program – at WESTEC Campus

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Agenda Description: Discussion and possible action.

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Brief Summary:

The Court Reporters Board approved the application and curriculum of Taft College at its October 19, 2007 Board meeting. Staff alerted Taft College that they have one year from the date they begin offering court reporting classes to seek "provisional recognition" of their court reporting program as required in B&P Code, Section 8027(c).

The Board received an application for provisional recognition from Taft College on December 8, 2008, which included a copy of the approval the program received from the California Community Colleges Chancellor's Office effective January 14, 2008.

As part of the Board's regularly scheduled review cycle of schools, staff conducted an on-site review of Taft College's court reporting program at the WESTEC Campus on April 20, 2010. The program was found to meet or exceed most basic requirements and was provided with recommendations for improvement. The Board's report of its findings of the program indicates the "program operates under provisional recognition provided by the Board."

Both Board staff and Taft College were under the impression that provisional approval had been granted; however, a review of Board files found that the provisional application request was never brought before the Board for approval.

Per B&P Code, Section 8027(d), the school must be provisionally recognized for no less than three consecutive years from the date provisional recognition was granted before full recognition may be granted. In addition, the school must prove that at least one person has successfully completed the entire course of study established by the Board to the point of licensure. Taft College has graduated two students that transferred from another school; however, they have not yet graduated a student that began and completed their course of study at Taft as required. At this time, Taft College has sent forward a candidate for the CSR examinations.

A review of the information pertaining to the program reveals that full recognition cannot be granted at this time; however, staff recommends the Board ratify the provisional approval status retroactive to the date of receipt of application by Taft College to enable Taft to move toward full recognition once a graduate who has completed the Board approved course of study at Taft College attains licensure.

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Support Documents:

Attachment – B&P Code, Section 8027 (c) and (d).

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/20/2011

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Recommended Board Action:

Grant provisional recognition to Taft College Court Reporting at WESTEC
Campus retroactive to December 8, 2008. Reconsider Taft's application for full
recognition when a student who has completed the Board approved course of
study at Taft College attains licensure for the CRB.

Business and Professions Code, section 8027

(c) Any school intending to offer a program in court reporting shall notify the board within 30 days of the date on which it provides notice to, or seeks approval from, the State Department of Education, the Bureau for Private Postsecondary and Vocational Education, the Office of the Chancellor of the California Community Colleges, or the Western Association of Schools and Colleges, whichever is applicable. The board shall review the proposed curriculum and provide the school tentative approval, or notice of denial, within 60 days of receipt of the notice. The school shall apply for provisional recognition pursuant to subdivision (d) within no more than one year from the date it begins offering court reporting classes.

(d) The board may grant provisional recognition to a new court reporting school upon satisfactory evidence that it has met all of the provisions of subdivision (b) and this subdivision. Recognition may be granted by the board to a provisionally recognized school after it has been in continuous operation for a period of no less than three consecutive years from the date provisional recognition was granted, during which period the school shall provide satisfactory evidence that at least one person has successfully completed the entire course of study established by the board and complied with the provisions of Section 8020, and has been issued a certificate to practice shorthand reporting as defined in Sections 8016 and 8017. The board may, for good cause shown, extend the three-year provisional recognition period for not more than one year.

Failure to meet the provisions and terms of this section shall require the board to deny recognition. Once granted, recognition may be withdrawn by the board for failure to comply with all applicable laws and regulations.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM IV – Board Members and Staff Appearances

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Oral report by Board members and staff of activities since the June 16, 2011
Board meeting in Los Angeles.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM V – Executive Officer Report

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Agenda Description: Report on:

- A. DCA Director's Report (DCA Representative)
- B. Exam
- C. Exam Workshops
- D. School Compliance Reviews
- E. CRB Today Newsletter, Fall 2011
- F. BreEZe
- G. CRB Budget Report
 - 1. Furloughs
 - 2. Hiring Freeze
 - 3. Licensing BCP – FY 2012/13
 - 4. Travel Restrictions
- H. Sunset Review
- I. Transcript Reimbursement Fund

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Support Documents:

Attachment 1, Item G – Budget Report, Expenditure Projection
Attachment 2, Item G – Fund Condition Statement for Fund 0771, CRB
Attachment 3, Item I – Fund Condition Statement for Fund 0410, TRF

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Fiscal Impact: None.

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Report Originator: Yvonne Fenner, 10/20/11

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Recommended Board Action: (Informational)

COURT REPORTERS FUND - 0771
Budget Report
Expenditure Projection
FISCAL MONTH 3

Attachment 1
Agenda Item V.G

		Current Fiscal Month: 3		Months Remaining: 9				
OBJECT CODE	OBJECT DESCRIPTION	FY 2010/11		FY 2011/12				
		ACTUAL EXPENDITURES (MONTH 13)	Prior Year Expenditures 9/30/2010	BUDGET ALLOTMENT	EXPENDITURES AS OF 9/30/2011	PERCENT OF BUDGET SPENT	PROJECTIONS TO YEAR END	UNCUMBERED BALANCE
	PERSONAL SERVICES:							
	Salaries and Wages							
003 00	Civil Service-Perm	175,303	43,750	186,765	46,040	24.7%	184,160	2,605
033 04	Temp Help (907)	15,456	2,314	0	7,651	0.0%	15,000	(15,000)
033 15	Allocated Proctor Cost	0	0	0	0	0.0%	0	0
063 00	Statutory-Exempt (EO)	76,385	18,546	77,956	19,489	25.0%	77,956	0
063 01	Board/Commission (910,920)	3,000	200	7,310		0.0%	3,000	4,310
083 00	Overtime (909)	2,349	0	500		0.0%	2,349	(1,849)
103 - 137	Staff Benefits	121,188	29,091	107,256	34,053	31.7%	136,212	(28,956)
141 00	Salary Savings			(7,551)		0.0%	(7,551)	0
	TOTAL, PERSONAL SVC	393,681	93,901	372,236	107,233	28.8%	411,126	(38,890)
	OPERATING EXPENSE AND EQUIPMENT:							
213 04	Fingerprint Reports	663	0	17,000		0.0%	750	16,250
201-238	General Expense	4,289	0	21,151	167	0.8%	6,500	14,651
241 - 248	Printing	1,590	1,054	916	346	37.8%	2,000	(1,084)
251 - 258	Communication	4,502	0	724	483	66.7%	5,000	(4,276)
261 - 268	Postage	10,195	2,277	5,516	1,988	36.0%	7,952	(2,436)
291 - 308	Travel In State	18,383	0	47,084	1,678	3.6%	18,000	29,084
331 - 338	Training	1,434	0	3,375		0.0%	1,500	1,875
341 - 361	Facilities Operations	43,522	40,925	28,745	33,930	118.0%	37,550	(8,805)
382 - 398	C/P Services - Internal	0	0	1,883		0.0%	0	1,883
402 - 420	C/P Services - External	3,006	0	27,042		0.0%	5,000	22,042
404.06	Communication Committee	0	0	0		0.0%	0	0
424 - 427	Departmental Services:							
427 01 & 02	Interagency	0	0	83		0.0%	0	83
424 03-427 35	All Other DCA Pro Rata	93,235	0	96,612		0.0%	96,612	0
428 00	Consolidated Data Center (Teale)	158	500	3,264		0.0%	500	2,764
432 - 445	DP Maintenance & Supplies	173	0	1,578		0.0%	250	1,328
438 00	Central (State) Adm Pro Rata	33,511	0	36,740	9,185	25.0%	36,740	0
	Examinations:	0					0	
206 20	Exam Supplies/Materials	0	0	751		0.0%	0	751
343 20	Exam Rent - Non State	28,852	0	7,680	29,840	388.5%	30,000	(22,320)
404 00	Admin-Ext C/P Services	11,297	0	0	18,025	0.0%	18,025	(18,025)
404 01	C/P SVS - Expert Exa	26,998	0	30,479	4,156	13.6%	4,156	26,323
404 03	C/P SVS - Ext Sub MA	0	0	0	4,021	0.0%	5,000	(5,000)
404 04	Ext-Subject Matter E	0	0	0		0.0%	0	0
501 - 516	Other Items of Expense	0	0	1,125		0.0%	0	1,125
	Enforcement:							
394 01	School Oversight	0	0	27,293		0.0%	0	27,293
396 00	Attorney General	71,438	0	47,172	3,370	7.1%	75,000	(27,828)
397 00	Office Admin. Hearing	660	0	15,573		0.0%	1,000	14,573
414 31 /414 34	Evidence / Witness Fees	8,625	0	0		0.0%	7,000	(7,000)
418 97	Court Reporters	0	0	0		0.0%	0	0
427 31	DOI - Investigation	0	0	0		0.0%	0	0
	DOF 15% Reduction Plan	0	0			0.0%	0	0
591	Special Adjustments	(4,165)	0			0.0%	0	0
472	Major Equipment	0		6,800		0.0%	0	6,800
226 00	Minor Equipment	3,024		0		0.0%	0	0
	TOTALS, OE&E:	361,390	44,756	428,586	107,189	25.0%	358,535	70,051
	TOTAL EXPENSE:	755,071	138,657	800,822	214,422	26.8%	769,661	31,161
	REIMBURSEMENTS:							
991937.01	Fingerprint Reports	(663)	(51)	(17,000)	(102)	0.6%	(102)	(16,898)
991937.02	External/Private/Grant	(470)		(1,000)	(235)	23.5%	(235)	(765)
991938	Unscheduled - Invest Cost	(6,403)	(775)	0	(1,053)	0.0%	0	0
	TOTAL REIMBURSEMENTS:	(7,536)	(826)	(18,000)	(1,390)	24.1%	(337)	(17,663)
	NET APPROPRIATION:	747,535	137,831	782,822	213,032	27.2%	769,324	13,498
						SURPLUS/(DEFICIT):	1.72%	

0771 - Court Reporters Board Analysis of Fund Condition

(Dollars in Thousands)

Prepared: 10/1911

**FY 2010-11 Prelim Month 13 - 10R
with BreZE**

	ACTUAL 2010-11	CY 2011-12	Governor's Budget BY 2012-13	BY+1 2013-14	BY+2 2014-15
BEGINNING BALANCE	\$ 1,201	\$ 1,344	\$ 1,182	\$ 1,013	\$ 801
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 1,201	\$ 1,344	\$ 1,182	\$ 1,013	\$ 801
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ 22	\$ -	\$ -	\$ -	\$ -
125700 Other regulatory licenses and permits	\$ 27	\$ 28	\$ 28	\$ 28	\$ 28
125800 Renewal fees	\$ 815	\$ 875	\$ 875	\$ 875	\$ 875
125900 Delinquent fees	\$ 19	\$ 22	\$ 22	\$ 22	\$ 22
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 7	\$ 9	\$ 8	\$ 6	\$ 4
150500 Interest Income From Interfund Loans	\$ -	\$ -	\$ -	\$ -	\$ -
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1
Totals, Revenues	\$ 891	\$ 935	\$ 934	\$ 932	\$ 930
Transfers from Other Funds					
F00001 GF loan per Item 1520-011-0771, BA of 2003 Special Deposit Fund per S. 12.20a (Malibu/Abramovitz Lawsuit)	\$ -	\$ -	\$ -	\$ -	\$ -
Transfers to Other Funds					
T00001 GF loan per Item 1520-011-0771, BA of 2003	\$ -	\$ -300	\$ -300	\$ -300	\$ -300
T00410 TRF per B&P Code Section 8030.2	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues and Transfers	\$ 891	\$ 635	\$ 634	\$ 632	\$ 630
Totals, Resources	\$ 2,092	\$ 1,979	\$ 1,816	\$ 1,645	\$ 1,431
EXPENDITURES					
Disbursements:					
0840 State Controllers (State Operations)	\$ -	\$ 1	\$ -	\$ -	\$ -
8880 FSCU (State Operations)	\$ 1	\$ 3	\$ -	\$ -	\$ -
1110 Program Expenditures (State Operations) - BreZE SPR Funding	\$ 747	\$ 772	\$ 787	\$ 803	\$ 819
		\$ 26	\$ 21	\$ 46	\$ 46
BL 11-08 Cellular Phone Reduction		\$ -1	\$ -1	\$ -1	\$ -1
EO B-03-11 CS 3.91 DCA Savings Plan		\$ -4	\$ -4	\$ -4	\$ -4
BCP CONCEPTS					
Total Disbursements	\$ 748	\$ 797	\$ 803	\$ 844	\$ 860
FUND BALANCE					
Reserve for economic uncertainties	\$ 1,344	\$ 1,182	\$ 1,013	\$ 801	\$ 571
Months in Reserve	20.2	17.7	14.4	11.2	8.2

NOTES:

- ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2010-11 AND ON-GOING.
- ASSUMES INTEREST RATE AT 1%.
- ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

Prepared: 10/19/11

0410 - Transcript Reimbursement Fund Analysis of Fund Condition

(Dollars in Thousands)

Proposed FY 11-12 Governor's Budget

	Governor's Budget				
	Actual 2010-11	CY 2011-12	BY 2012-13	BY+1 2013-14	BY+2 2014-15
BEGINNING BALANCE	\$ 466	\$ 291	\$ 280	\$ 263	\$ 239
Prior Year Adjustment	\$ -	\$ -	\$ -	\$ -	\$ -
Adjusted Beginning Balance	\$ 466	\$ 291	\$ 280	\$ 263	\$ 239
REVENUES AND TRANSFERS					
Revenues:					
125600 Other regulatory fees	\$ -	\$ -	\$ -	\$ -	\$ -
125700 Other regulatory licenses and permits	\$ -	\$ -	\$ -	\$ -	\$ -
125800 Renewal fees	\$ -	\$ -	\$ -	\$ -	\$ -
125900 Delinquent fees	\$ -	\$ -	\$ -	\$ -	\$ -
141200 Sales of documents	\$ -	\$ -	\$ -	\$ -	\$ -
142500 Miscellaneous services to the public	\$ -	\$ -	\$ -	\$ -	\$ -
150300 Income from surplus money investments	\$ 1	\$ 3	\$ 3	\$ 2	\$ 2
160400 Sale of fixed assets	\$ -	\$ -	\$ -	\$ -	\$ -
161000 Escheat of unclaimed checks and warrants	\$ -	\$ -	\$ -	\$ -	\$ -
161400 Miscellaneous revenues	\$ -	\$ -	\$ -	\$ -	\$ -
Totals, Revenues	\$ 1	\$ 3	\$ 3	\$ 2	\$ 2
Transfers from Other Funds					
F00771 Court Reporters Fund per B&P Code Section 8030.2	\$ -	\$ 300	\$ 300	\$ 300	\$ 300
Totals, Revenues and Transfers	\$ 1	\$ 303	\$ 303	\$ 302	\$ 302
Totals, Resources	\$ 467	\$ 594	\$ 583	\$ 565	\$ 541
EXPENDITURES					
Disbursements:					
1110 Program Expenditures (State Operations)	\$ 176	\$ 314	\$ 320	\$ 326	\$ 333
8880 FSCU (State Operations)	\$ 2	\$ -	\$ -		
HR Mod Project	\$ (2)	\$ -	\$ -		
Total Disbursements	\$ 176	\$ 314	\$ 320	\$ 326	\$ 333
FUND BALANCE					
Reserve for economic uncertainties	\$ 291	\$ 280	\$ 263	\$ 239	\$ 208
Months in Reserve	11.1	10.5	9.7	8.6	7.3

PAST YEAR DATA IS BASED ON GOVERNOR'S BUDGET PAST YEAR ACTUALS.

NOTES:

- A. ASSUMES WORKLOAD AND REVENUE PROJECTIONS ARE REALIZED FOR 2009-10 AND ON-GOING.
- B. ASSUMES INTEREST RATE AT 2%.
- C. ASSUMES APPROPRIATION GROWTH OF 2% PER YEAR.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM VI – Enforcement Report

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Agenda Description: Update of Enforcement Activity.

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Brief Summary:

Enforcement Reports – Monthly reports indicating complaint, investigation and enforcement action statistics.

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Support Documents:

Attachment 1 – FY 2010/11 Enforcement Report

Attachment 2 – 1st Quarter FY 2011/12 Enforcement Report

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Fiscal Impact: None

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Report Originator: Yvonne Fenner, 10/14/11

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Recommended Board Action: Informational.

Consumer Protection Enforcement Initiative Fiscal Year 2010-2011 Enforcement Report

Complaint Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	11	15	12	9	17	9	12	10	17	5	12	19	148
Closed without Assignment for Investigation	0	0	1	1	1	0	2	1	0	0	0	0	6
Assigned for Investigation	11	15	11	8	16	7	10	11	17	5	12	19	142
Average Days to Close or Assign for Investigation	1	1	1	1	1	1	2	1	1	1	1	1	1
Pending	0	0	0	0	0	2	2	0	0	0	0	0	2 *

Convictions/Arrests Reports	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	0	0	1	0	0	0	0	0	1	0	0	0	2
Closed	0	0	0	1	0	0	0	0	0	0	0	1	2
Average Days to Close	0	0	0	22	0	0	0	0	0	0	0	118	70
Pending	0	0	1	0	0	0	0	0	1	1	1	0	1 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation	11	15	11	8	16	7	10	11	17	5	12	19	142
Closed	17	11	9	19	5	9	8	17	5	12	13	16	141
Average Days to Close	59	42	50	70	108	47	75	60	27	116	127	73	71
Pending	23	27	29	18	29	27	29	23	35	28	27	30	27 *

Field Investigation (Sworn)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation	0	0	0	0	0	0	0	0	0	0	0	0	0
Closed	0	0	0	0	1	0	0	0	0	0	0	0	1
Average Days to Close	0	0	0	0	285	0	0	0	0	0	0	0	285
Pending	1	1	1	1	0	0	0	0	0	0	0	0	1 *

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed	17	11	9	19	5	9	8	17	5	12	13	16	141
Average Days to Close	59	42	50	70	108	47	75	60	27	116	127	73	854
Pending	23	27	29	18	29	27	29	23	35	28	27	30	27 *

* Average number of cases pending per month

Enforcement Actions

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	1	2	1	2	2	1	0	2	0	0	0	0	11
AG Cases Pending	4	5	5	6	8	10	11	10	10	7	6	5	7 *
SOLs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOLs Filed	0	0	0	0	0	2	0	0	0	0	0	0	2
SOLs Withdrawn	**	0	0	0	0	0	0	0	0	0	0	0	0
SOLs Dismissed	**	0	0	0	0	0	0	0	0	0	0	0	0
SOLs Declined	**	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete SOLs	**	0	0	0	0	77	0	0	0	0	0	0	77
Accusations Filed	0	0	2	0	0	0	3	1	0	1	1	0	8
Accusations Withdrawn	**	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Dismissed	**	0	0	0	0	0	0	0	0	0	0	0	0
Accusations Declined	**	0	0	0	0	0	0	0	0	0	0	0	0
Average Days to Complete Accusations	**	0	97	0	0	0	89	98	0	37	140	0	92
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	1	0	0	0	0	0	1	0	1	0	3
Stipulations	0	0	1	0	0	0	0	3	2	1	0	1	8
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	0	0	0	2	0	0	0	0	3	3	1	1	10
Average Days to Complete	0	0	0	520	0	0	0	0	244	280	503	220	353
Interim Suspension Orders	**	0	0	0	0	0	0	0	0	0	0	0	0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	5	3	1	5	1	0	2	8	3	5	2	6	41
Average Days to Complete	82	57	27	68	40	0	124	37	30	85	30	36	56

* Average number of cases pending per month

** Information was not requested at time of report.

Consumer Protection Enforcement Initiative Fiscal Year 2011-2012 Enforcement Report First Quarter

Complaints Intake

Complaints	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	11	9	4										24
Closed without Assignment for Investigation	0	1	0										1
Assigned for Investigation	10	9	4										23
Average Days to Close or Assign for Investigation	1	3	1										2
Pending	1	0	0										1 *

Convictions/Arrests Reports	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Received	1	1	0										2
Closed	0	0	0										0
Average Days to Close	0	0	0										0
Pending	1	2	2										2 *

Investigation

Desk Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Initial Assignment for Desk Investigation	10	9	4										23
Closed	8	15	3										26
Average Days to Close	63	53	26										47
Pending	32	26	27										28 *

Field Investigation (Sworn)	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Assignment for Sworn Field Investigation	0	0	0										0
Closed	0	0	0										0
Average Days to Close	0	0	0										0
Pending	0	0	0										0

All Investigation	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Closed	8	15	3										26
Average Days to Close	63	53	26										47
Pending	32	26	27										28 *

*Average number of cases pending per month

Enforcement Actions

AG Cases	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
AG Cases Initiated	0	0	2										2
AG Cases Pending	4	4	4										4*
SOIs/Accusations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
SOIs Filed	0	0	0										0
SOIs Withdrawn	0	0	0										0
SOIs Dismissed	0	0	0										0
SOIs Declined	0	0	0										0
Average Days to Complete SOIs	0	0	0										0
Accusations Filed	1	0	0										1
Accusations Withdrawn	0	0	0										0
Accusations Dismissed	0	0	0										0
Accusations Declined	0	0	0										0
Average Days to Complete Accusations	140	0	0										140
Decisions/Stipulations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Proposed/Default Decisions	0	0	0										0
Stipulations	0	0	0										0
Disciplinary Orders	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Orders (Proposed Decisions Adopted, Default Decisions, Stipulations)	1	0	0										1
Average Days to Complete	532	0	0										532
Interim Suspension Orders	0	0	0										0
Citations	July	August	Sept.	Oct.	Nov.	Dec.	January	Feb.	March	April	May	June	Total
Final Citations	3	3	0										6
Average Days to Complete	92	69	0										81

*Average number of cases pending per month

AGENDA ITEM VII – Report on Legislation

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Agenda Description:

Briefing on current legislation related to court reporting with discussion and possible action

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Brief Summary:

SB 221 (Simitian) – Small claims court: jurisdiction

Status: Chaptered 7/8/11

This bill would increase the jurisdiction of the small claims court by increasing that amount to \$10,000.

SB 227 (Wyland) – Business and professions: licensure

Status: Referred to Committee on Rules

Existing law, under the Business and Professions Code, provides for the regulation and licensure of various professionals. Existing law provides that the term "licentiate," as used in the B&P Code, refers to any person authorized by a license, certificate, registration, or other means to engage in a business or profession regulated by that code and as specified. This bill would make technical, nonsubstantive changes to that provision.

SB 326 (Yee) – Court records: public access

Status: Re-referred to Assembly Committee on Appropriations

This bill would require the Judicial Council to adopt a rule for court to require courts to provide public access to court records, as defined. The bill would require the rule to provide for newly filed or lodged court records to be made available for public inspection at the courthouse no later than the end of the day on which those records are received by the court.

SB 541 (Price) – Contractors' State License Regulatory boards: expert

Status: Referred Chaptered 9/26/11

This bill would authorize boards to enter into an agreement with an expert consultant to provide enforcement and examination assistance. This bill is an urgency statute.

SB 671 (Price) – Shorthand reporters: continuing education requirements

Status: In Senate – consideration of Governor's veto pending

This bill would require the CRB to establish, on or before July 1, 2012, minimum approved continuing education requirements for renewal of a shorthand reporter's certificate and would require the CRB to establish a procedure for approving providers of continuing education courses, as specified.

AB 73 (Feuer) – Dependency proceedings: public access

Status: In Assembly Human Services Committee; hearing canceled at request of author

This bill would express the intent of the Legislature to enact legislation to provide that juvenile court hearings in juvenile dependency cases shall be presumptively open to the public, unless the court finds that admitting the public would not be in a child's best interest.

AB 201 (Butler) – Veterans courts

Status: Vetoed by Governor

This bill would authorize superior courts to develop and implement veterans courts for eligible veterans of the United States military with the objective of, among other things, creation of a dedicated calendar or a locally developed collaborative court-supervised veterans mental health program or system.

AB 295 (Lowenthal, Bonnie) – California Case Management System

Status: Re-referred to Committee on Judiciary

Existing Law requires the Judicial Council to provide an annual status report to the chairpersons of the budget committee in each house of the Legislature and the Joint Legislative Budget Committee regarding the California Case Management System and Court Accounting and Reporting System. Existing law requires the Administrative Office of the Courts to annually provide to those chairpersons copies of any independent project oversight report for the California Case Management Systems. This bill would make technical, nonsubstantive changes to these provisions.

AB 536 (Ma) – Department of Consumer Affairs

Status: Chaptered 9/30/11

Existing law creates the Department of consumer Affairs and establishes the department's composition, and specifies that the purpose of the boards, bureaus, and commissions within the department is protection of the public. This bill would make a nonsubstantive, technical change to the provision specifying that purpose.

AB 973 (Campos) – Trial courts: budget process: public meeting

Status: Chaptered 10/9/11

This bill would require the presiding judge of the trial court before a trial court submits its budget request to the Judicial Council, to hold a public hearing on the trial court's proposed budget request, as specified.

AB 990 (Allen) – Court transcripts

Status: In Assembly Judiciary; hearing canceled at author's request

This bill would additionally prohibit distributing, publishing, or emailing a copy or copies of a transcript to any other party or person.

AB 1003 (Smyth) – Professional and vocational licenses

Status: From printer

This bill would declare the intent of the Legislature to enact legislation that would require that all professional and vocational licenses currently issued by the Department of Consumer Affairs and its affiliate boards, be issued from one central location and that the current regulatory, oversight, and enforcement authority with respect to holders of those licenses remain with those boards and the department currently performing those functions.

AB 1096 (Harkey) – Courts: official reporters

Status: From printer

This bill would express the Legislature's intent to require that all court proceedings be automated.

AB 1208 (Calderon, Charles) – Trial courts: administration

Status: Second reading, ordered to third reading

This bill would provide that all funds allocated for trial court operations, once appropriated, be fully allocated among the trial courts and that no deductions take place without the consent of the affected courts.

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Support Documents:

Attachment – SB 671 (Price) – Veto message

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Report Originator: Yvonne Fenner, 10/19/11

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Recommended Board Action:

Discussion of pursuit of mandatory continuing education



OFFICE OF THE GOVERNOR

SEP 30 2011

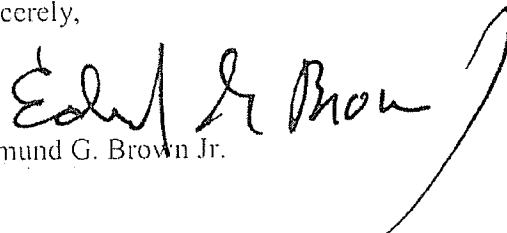
To the Members of the California State Senate:

This bill would make license renewal for court reporters contingent on continuing education. The whole idea of legally mandated "continuing education" is suspect in my mind. Professionals already are motivated to hone their skills – or risk not getting business.

Requiring them to pay fees to "continuing education providers" is an unwarranted burden.

I am returning Senate Bill 671 without my signature.

Sincerely,


Edmund G. Brown Jr.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM VIII – Update on School Curriculum Regulations

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Agenda Description: Status Report

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Brief Summary:

The revised School Curriculum Regulations were approved by the Office of Administrative Law and became effective September 30, 2011.

The changes to the regulations were recommended by a Board appointed task force and adopted by the Board in April, 2010.

Board staff will be working with schools on implementing the new regulations.

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Report Originator: Paula Bruning, 10/14/2011

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Recommended Board Action: Informational

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM IX – Update on Exam Fee Regulations

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Agenda Description: Status Report

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Brief Summary:

At the October 2009 meeting, the Board adopted language restructuring the fees for exams. While the initial regulation package was not finalized, a second attempt was made, approved by the Office of Administrative Law and will become effective November 9, 2011.

Part of the regulation change memorializes the license fee change to \$125.00 and attendant delinquency fees at \$62.50.

The exam fees, however, have been completely restructured. Beginning with the exam cycle beginning March 1, 2012, there will be a \$40 application fee which is good for the three-year cycle. Additionally there will be a \$25 fee per each separate part of the exam. Candidates needing to re-take the exam will pay \$25 per portion being re-taken.

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Support Documents:

Attachment – Addendum to Final Statement of Reasons

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Report Originator: Yvonne Fenner, 10/19/11

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Recommended Board Action: Informational.

**COURT REPORTERS BOARD OF CALIFORNIA
ADDENDUM TO
FINAL STATEMENT OF REASONS**

Hearing Date: July 20, 2010

Subject Matter of Proposed Regulations: Fee Schedule; Due Dates of Fees

Sections Affected: Title 16, California Code of Regulations (CCR), Sections 2450 and 2451

Updated Information

Amend Section 2450 as follows:

§ 2450. Fee Schedule.

~~(a) The fee for examination and reexamination for the written or practical part of the examination shall be \$75 for each separate part, for each administration.~~

(a) The fee for filing an application for examination shall be forty dollars (\$40), one time per three-year cycle and twenty-five dollars (\$25) per each separate part per administration.

(b) The fee for an initial certificate shall be one hundred twenty-five dollars (\$125). If the certificate is issued less than 180 days before the date on which it will expire, the fee shall be sixty-two dollars and fifty cents (\$62.50).

(c) The fee for the annual renewal of a certificate shall be one hundred and twenty-five dollars (\$125).

(d) The delinquency fee for the renewal of a certificate shall be sixty-two dollars and fifty cents (\$62.50).

(e) The fee for a duplicate certificate shall be five dollars (\$5).

~~(f)~~ The penalty for failure to notify the board of a change of name or address as required by Section 8024.6 shall be fifty twenty dollars (\$520).

Note: Authority cited: Sections 8007 and 8008, Business and Professions Code.

Reference: Sections 163.5 and 8031, Business and Professions Code.

Per minutes of November 30, 2007 board meeting, the language of (e) and (f) were approved. These minutes were attached in initial package, but are being supplemented here with the materials from the board agenda packet for this item.

Per minutes of June 13, 2008 board meeting, the Board adopted the language included with this addendum as Agenda Item 4 and gave the executive officer the authority to make non-substantive changes.

Per minutes of October 16, 2009 board meeting, the language of (a) was approved. These minutes are being provided here as part of the addendum, as well as the supporting materials from the board agenda packet for this item.

Per minutes of February 19, 2010 board meeting, previously included, the board by resolution made the changes reflected in (b), (c), and (d). The board agenda packet is included as part of this addendum to show adoption by board.

The Board reviewed the proposed language at their April 30, 2010 meeting, which unfortunately the typo in (b), as the \$50 should be \$62.50 per Business and Professions Code 8031(c). The agenda packet for that item is attached as part of this addendum.

The word "section" in (a) has been changed to "each separate part" so as to more closely match Business and Professions Code 8031(b).

Amend Section 2451 as follows:

§ 2451. Due Dates of Fees.

(a) The application fee for each application is due and payable at the time of filing the application with the board.

(b) The ~~original~~ initial certificate fee is due and payable within one hundred and twenty (120) days after notification to the candidate that he or she has successfully passed the examination. No certificate may be issued until this fee has been paid.

Note: Authority cited: Section 8007, Business and Professions Code. Reference: Sections 8008 and 8031, Business and Professions Code.

Additionally, a copy of the Standard 399 with signatures from Department of Finance and Agency Secretary was provided to OAL after initial submission.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM X – California Code of Regulations, Title 16, Section 2475(a)(8)

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Agenda Description: Possible Action

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Brief Summary:

A. Petition from Deposition Reporters Association (DRA) to clarify section 2475(a)(8)

Section 11340.6 of the California Government Code provides that any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation.

Petitioner DRA seeks clarification of section 2475(a)(8), specifically sub (A), giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) per above-described person or entity per calendar year. The full amendment offered is on page 3 of the petition, Attachment 1.

B. Discussion of Possible Revision to Section 2475(a)(8)

After discussion of the \$100 gift-giving limit at the June 2011 meeting, the Board asked staff to provide Nevada's language which prohibits any gift-giving. Pertinent portions are as follows:

NAC 656.130(5) Except as otherwise provided in this subsection, a court reporter or firm shall not give or receive, directly or indirectly, a gratuity to or from an attorney, client, witness, insurance company or any other person associated with any litigation in which the court reporter or firm provides services. A court reporter or firm may give or receive (a) Pens, pencils, coffee mugs, other paraphernalia that is printed or otherwise produced for the purpose of advertisement, and meals and refreshments not to exceed in the aggregate \$100 per year. Anything of value given or received by a court reporter or firm with a value of less than \$5 will not be counted for purposes of the annual aggregate limit;

NAC 656.130(6) The advertisement of any gratuity is prohibited;

NAC 656.130(7) As used in this section, "gratuity" includes, without limitation, any item, gift, incentive, reward, cost of entertainment, favor, premium, award, consideration, financial kickback, inducement, prize, promotional material, discount, rebate, points or credits that may be exchanged for things of value, or any other item of monetary value. The term does not include compensation received by a court reporter or firm for providing service as a court reporter.

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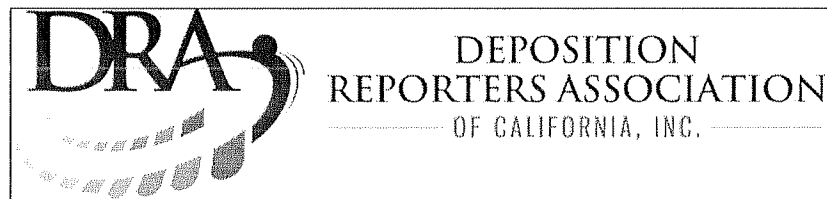
Attachment: DRA Petition

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Report Originator: Yvonne Fenner, 10/10/11

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Recommended Board Action: Staff seeks direction from Board



October 6, 2011

Ms. Toni O'Neil
Chair, California Court Reporters Board
2535 Capitol Oaks
Suite 230
Sacramento, CA 95833

Re: Petition to Clarify and Amend Regulations Related to Gift Limit -- Title 16 of the California Code of Regulations, section 2475(a)(8)

Dear Chair O'Neil:

In accordance with section 11340.6 of the California Government Code, the Deposition Reporters Association of California ("DRA") respectfully petitions the Board to amend Title 16 of the California Code of Regulations, section 2475(a)(8) ("section 2475(a)(8)"). This petition provides the substance and nature of the amendments requested and the reasons for this request.

Petitioner DRA

DRA represents more deposition reporting professionals than any organization in California and is the only organization in the nation solely devoted to representing such professionals. DRA is a California affiliate of the National Court Reporters Association ("NCRA").

DRA was founded in 1995 by freelance deposition reporters seeking to preserve the impartiality and independence of their profession. In the early nineteen nineties, certain deposition companies and firms began the practice of offering services or prices to one party in litigation but not to others. DRA was founded to combat such practices.

DRA worked with the NCRA to organize and coordinate successful efforts across the country to preserve the impartiality of the freelance deposition reporting profession. As a result, court rules or laws preserving the impartiality of freelance deposition professionals were passed in fourteen states including Hawaii, Texas, Minnesota, Utah, West Virginia, New Mexico, Georgia, Louisiana, Nevada, Kentucky, Michigan, Arkansas, Indiana, and North Carolina.

Need For Clarification

Section 2475(a)(8) finds its authority in Business & Professions Code sections 8007, 8025, 8025.1 and 8030.

The intent of the regulation is laudable – even critical – to ensuring that lawyers and their clients are protected and DRA wholeheartedly supports it. The intent is to ensure that promotional efforts by all providers of professional services (whether they be corporations or individual licensees) in the market do not exceed a certain monetary threshold, for two reasons: (1) to ensure that such items – given or received – do not risk compromising the impartiality or appearance of impartiality of the licensee who is an officer of the court; and (2) to ensure that business success in the freelance deposition marketplace is not determined by the lavishness of promotional items given but the quality and price of the reporting services provided – the two things lawyers and clients rightly care about.

The regulation currently reads (with emphasis supplied) as follows:

(8) Other than the receipt of compensation for reporting services, neither directly or indirectly give nor receive any gift, incentive, reward, or anything of value to or from any person or entity associated with a proceeding being reported. Such persons or entities shall include, but [are] not limited to, attorneys, employees of attorneys, clients, witnesses, insurers, underwriters, or any agents or representatives thereof. Exceptions to the foregoing restriction shall be as follows: (A) **giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) per above-described person or entity per calendar year;** or (B) providing services without charge for which the certified shorthand reporter reasonably expects to be reimbursed from the Transcript Reimbursement Fund, Sections 8030 et seq. of the Code, or otherwise for an "indigent person" as defined in Section 8030.4(f) of the Code.

The highlighted language is ambiguous, however, and is sowing confusion among licensees and corporations that want to comply with the law, and likely complicating the Board's resolve to enforce the law. The following hypothetical illustrates the ambiguity. Assume a corporation providing professional services wishes to provide promotional pens with its logo on them to 150 employees of the law firm of Smith & Jones. Assume further that each pen costs and is worth \$1.00. Is the corporation able to give one pen to each of the 150 employees of the law firm because each pen does not exceed \$100? Or, is the corporation limited to distributing \$100 worth of pens to employees of Smith & Jones, given that all the employees work for the same "entity"? Phrased another way, is the recipient in the hypothetical and under the regulation the "entity" (law firm) or is the recipient each "person" (employee)?

DRA believes the intent of the regulation is to ensure that no *single* recipient – whether the single recipient be a law firm in and of itself or each individual who works there – obtains a *single* gift in any calendar year in excess of the dollar limit. Indeed, the alternative definition creates the odd situation where the value of the gift provided to an assistant in a law firm can rise or fall based not on any public policy but the accident of how many co-workers he has. If he works for a solo practitioner, he can under the regulation get an item worth up to \$100. If he performs exactly the same tasks for a large multi-national firm, he could only receive promotional items worth mere pennies. Neither the intent of the regulation nor any public policy appears to be advanced by such a differing application of the regulation, based on mere fortuity.

Proposed Amendment

The ambiguity arises because the regulation uses the shorthand "person or entity" to describe the list of individuals covered by the regulation. Fixing that shorthand we believe fixes the ambiguity and brings the regulation in line with the Board's original intent:

(8) Other than the receipt of compensation for reporting services, neither directly or indirectly give nor receive any gift, incentive, reward, or anything of value to or from any person or entity associated with a proceeding being reported. Such persons or entities shall include, but are not limited to, attorneys, law firms, employees of attorneys, clients, witnesses, insurers, underwriters, or any agents or representatives thereof. Exceptions to the foregoing restriction shall be as follows: (A) giving or receiving items that do not exceed \$100 (in the aggregate for any combination of items given and/or received) per calendar year to or from an attorney, a law firm, an employee of attorneys, a client, a witness, an insurer, an underwriter, or any agent or representative thereof; or (B) providing services without charge for which the certified shorthand reporter reasonably expects to be reimbursed from the Transcript Reimbursement Fund, Sections 8030 et seq. of the Code, or otherwise for an "indigent person" as defined in Section 8030.4(f) of the Code.

As shown here, we believe that simply replicating the language that appears earlier in the regulation fixes the ambiguity. As well, law firms in and of themselves may not clearly be captured by the reference to "attorneys". Self-evidently, a "gift" of a \$5,000 check made out to a law firm itself violates the intent of the regulation. We therefore also believe that adding in "law firm" clarifies the application of the regulation where a gift may not *per se* be to an individual attorney but, rather, the law firm in and of itself. Moreover, adding the word "are" fixes a grammatical error.

We look forward to your response within 30 days.

Respectfully submitted,

Lisa Michaels
DRA President

Antonia Pulone
DRA Legislative Chair

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

**AGENDA ITEM XI – Status on Process Related to Evaluation of the
Executive Officer**

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Agenda Description: Status report on evaluation process.

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Brief Summary:

Information regarding the new executive officer evaluation process was provided by DCA staff at the June 16, 2011 Board meeting. The Board authorized Chairperson O'Neill to initiate the process of evaluating Executive Officer Fenner.

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/14/11

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Recommended Board Action: Information Only.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM XII – Election of Officers

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Agenda Description: Election of Chair and Vice-Chair.

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Brief Summary:

Attachment 1 specifies that the election of officers by the Board occur on an annual basis at the first regular meeting of the Board after June 1 of each year. The purpose of this item is to conform to this policy.

Attachment 2 outlines the Board policy on the duties of the Board chairperson and Board members.

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Support Documents:

Attachment 1 – Board policy on election of officers.

Attachment 2 – Chair and Board member duties.

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Fiscal Impact: None.

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Report Originator: Paula Bruning, 10/17/11

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Recommended Board Action: Hold elections

ANNUAL MEETINGS

The CSR Board shall hold an annual meeting for the purpose of electing a chairperson and a vice-chairperson in accordance with Business and Professions Code, Section 8003. Said annual meeting shall be held at the first regular meeting held after June 1 of each year.

Adopted: August 1987

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Chairperson of the Board

Definition: The Chairperson is responsible for the effective functioning of the Board, the integrity of the Board process, and assuring that the Board fulfills its responsibilities for governance. The Chairperson instills vision, values, and strategic planning in Board policy making. The Chairperson sets an example reflecting the Board's mission as a State licensing and law enforcement agency. The Chairperson optimizes the Board's relationship with its executive officer and the public.

Specific Duties and Responsibilities:

- Chairs meetings to ensure fairness, public input, and due process;
- Prepares Board meeting notices and agendas;
- Appoints Board committees;
- Supports the development and assists performance of Board colleagues;
- Obtains the best thinking and involvement of each Board member. Stimulates each Board member to give their best effort;
- Implements the evaluation of the executive officer to the Board;
- Continually focuses the Board's attention on policy making, governance, and monitoring of staff adherence to and implementation of written Board policies;
- Facilitates the Board's development and monitoring of sound policies that are sufficiently discussed and considered and that have majority Board support;
- Serves as a spokesperson; and
- Is open and available to all Board members, staff and governmental agencies, remaining careful to support and uphold proper management and administrative procedure.

CERTIFIED SHORTHAND COURT REPORTERS BOARD

Board Members

Definition: As Board members, the Board is responsible for good governance of the Board. Appointed as representatives of the public, the Board presses for realization of opportunities for service and fulfillment of its obligations to all constituencies. The Board meets fiduciary responsibility, guards against the taking of undue risks, determines priorities, and generally directs organizational activity. The Board delegates certain administrative duties and responsibilities to its executive officer, but remains involved through oversight and policy making. The Board members are ultimately accountable for all Board actions.

Specific Duties and Responsibilities:

- Develops and sets policy and procedures as a State licensing and law enforcement agency;
- Supports and articulates the Board's mission, values and policies and procedures;
- Serves as spokespersons;
- Reviews and assures the executive officer's performance in managing the implementation of Board policies and procedures;
- Ensures that staff implementation is prudent, ethical, effective and timely;
- Assures that management and staff training and succession is being properly provided;
- Assures the ongoing (quarterly) performance review of the executive officer by the Chairperson, with an annual written evaluation by the Board which is to be conducted at a public Board meeting;
- Assures that the executive officer effectively administers appropriate staff policies;
- Maximizes accountability to the public; and
- Ensures staff compliance with all laws applicable to the Board.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM XIII– Public Comment

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Public members are encouraged to provide their name and organization (if any).
The Board cannot discuss any item not listed on this agenda, but can consider
items presented for future board agendas.

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM XIV – Future Meeting Dates

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Agenda Description: Proposed Meeting Dates.

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Support Documents:

Attachment – 2012 Board Calendar

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Current scheduled activities:

Exam Workshops, Sacramento:

April 13 – 14, 2012

April 27 – 28, 2012

CSR Dictation Test:

February 3, 2012 – Los Angeles

June 22, 2012 – Los Angeles

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Recommended Board Action: Information exchange.

**A YEAR-AT-A-GLANCE CALENDAR 2012
COURT REPORTERS BOARD OF CALIFORNIA**

**Attachment
Agenda Item XIV**

JANUARY 2012

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FEBRUARY 2012

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MARCH 2012

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APRIL 2012

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MAY 2012

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JUNE 2012

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JULY 2012

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AUGUST 2012

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OCTOBER 2012

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DECEMBER 2012

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ACTIVITY

	BD - Board Meeting or Activity
	Exam - Dictation Exam
	Workshop - Exam Workshop
	TF - Task Force Meeting
	Shaded Dates - Board Office is Closed

CITY

LA-LOS ANGELES	SAC-SACRAMENTO
SD-SAN DIEGO	SF-SAN FRANCISCO
GENERAL LOCATION	
NC-NORTHERN CALIFORNIA	
SC-SOUTHERN CALIFORNIA	

COURT REPORTERS BOARD MEETING – OCTOBER 27, 2011

AGENDA ITEM XV – Closed Session

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Agenda Description:

Pursuant to Government Code, section 11126(a), discussion of disciplinary matters, and pursuant to Government Code, section 11126(e)(2)(A), discussion of Court Reporters Board vs. U.S. Legal Support.

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Fiscal Impact: None

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Report Originator: Paula Bruning, 10/17/11

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Recommended Board Action: Decision needed on each enforcement matter presented, if any.